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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,778	12/09/2003	Shailesh B. Gandhi	BOC9-2003-0076 (447)	4924
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER ISMAIL, SHAWKI SAIF	
			ART UNIT 2155	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,778	Applicant(s) GANDHI ET AL.	
	Examiner SHAWKI S. ISMAIL	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the application filed on December 9, 2003.

Claims 1-20 are presented for examination.

References in applicant's IDS form 1449 received on April 12, 2004 have been considered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 13-19 recite "machine-readable storage" however the specification does not provide proper antecedent basis for the claimed subject matter.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As per claims 20, one of ordinary skill in the art at the time when the invention was made would interpret the claims as being either software or hardware. However, paragraphs [20] on page 9 of the applicant's specification provides intrinsic evidence that the claims would have been reasonably interpreted as software alone and thus lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 101. Therefore, The claim is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC §102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 13 and 20 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Fowler et al.**, (hereinafter referred to as Fowler) U.S Patent No. **6,714,977**.

6. As to claims 1, 13 and 20 Fowler teaches an Internet connection monitoring method comprising the steps of:

detecting a connectivity problem with a household Internet connection (refer to col. 8, lines 20-29, Net bot 40 continuously monitors and detects a loss of power or internet connection);

determining a contact point (col. 8, lines 20-29, the contact point is the system administrator);

establishing a communication connection with said contact point, wherein said communication connection is different than said household Internet connection (col. 8, lines 20-29, Net bot 40 communicates with the system administrator through telephone connection when the internet connections is lost); and

conveying a problem notification to the contact point through the communication connection (col. 8, lines 20-29, Net bot 40 can dial out via telephone connection 42 to inform a system administrator of the loss of power or loss if internet connection).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fowler et al.**, (hereinafter referred to as Fowler) U.S. Patent No. **6,714,977** in view of **Berstis et al.**, (hereinafter referred to as Berstis) U.S. Patent No. **6,718,015**.

9. As to claim 2 and 14, Fowler teaches the claimed invention as shown above in claims 1 and 13. Fowler did not explicitly teach wherein said communication is a voice connection, and wherein said problem notification is a speech message. Although, one of ordinary skill in the art at the time of the invention was made would understand that since Fowler uses a telephone to communicate, it must have a voice connection; this is by definition of a telephone. However, to make the record clear and since Fowler did not explicitly teach the voice connection and said problem notification is a speech message, the examiner introduced a secondary reference (Berstis) that explicitly teaches the missing limitations

Berstis teaches a method for enabling a user having access to a telephone device to browse the Internet without a Web browser. The method begins by establishing a voice connection between the user's telephone device and a computer. The computer includes a Web browser and a text-to-speech processor. Using the telephone device, the user enters information identifying a given URL. The input information is then supplied to the Web browser, which fetches the desired page. The text portions of the Web page are then converted to speech and output to the user over the telephone device(Berstis, abstract), for the purpose of allowing a speech message to be communicated to the system administrator.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Berstis in the invention of Fowler, for the purpose of allowing the Net bot 40 of Fowler to communicate the problem notification to a system administrator using a speech message and thus giving the user the ability to communicate using different mechanism to guarantee the communication is established all the time. This type of communication is possible because the Net bot 40 is already communicating through the telephone connection and all that is needed is text-to-speech processor of Berstis in order to communicate the speech message to the system administrator.

10. As to claim 3 and 15, Fowler teaches the claimed invention as shown above. Fowler does not teach generating a personalized problem report; and text-to-speech converting said problem report resulting in said problem notification.

However, Berstis teaches a method for enabling a user having access to a telephone device to browse the Internet without a Web browser. The method begins by establishing a connection between the user's telephone device and a computer. The computer includes a Web

browser and a text-to-speech processor (this is equivalent to the claimed text to speech converting). Using the telephone device, the user enters information identifying a given URL. The input information is then supplied to the Web browser, which fetches the desired page. The text portions of the Web page are then converted to speech and output to the user over the telephone device and thus the converted text to speech report results in problem notification (Berstis, abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Berstis into the invention of Fowler in order to allow the Net bot 40 of Fowler to communicate the problem notification to a system administrator using a speech message, for the purpose of allowing the user to communicate through multiple methods for efficiently establishing communication. This type of communication is possible because the Net bot 40 is already communicating through the telephone connection and all that is needed is text-to-speech processor of Berstis in order to communicate the speech message to the system administrator detailing the occurrence of the problem.

11. Claims 4-6, 8-12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fowler et al.**, (hereinafter referred to as Fowler) U.S Patent No. **6,714,977** in view of **Steinbrenner et al.**, (hereinafter referred to as Steinbrenner) U.S. Patent No. **6,754,310**.

12. As to claims 4-5 and 16-17, Fowler teaches the claimed invention as shown above in claims 1 and 13. Fowler does not explicitly teach providing at least one option for troubleshooting said problem; receiving a selection of said option; and responsively performing

an action relating to said Internet connection and wherein said selection comprises a Dual Tone Multiple Frequency input.

However, Steinbrenner teaches a system for providing diagnostic information to at least one telephone including a telephony interface device operatively coupled to at least one telephone through a telephone line. The telephony interface device is operatively coupled to a network, wherein the telephony interface device transmits diagnostic information to the at least one telephone. The diagnostic information may preferably include diagnostic information concerning the network, the telephony interface device, and the telephone line. The diagnostic information may preferably be transmitted to the at least one telephone through voice prompts. The diagnostic information may preferably be requested through the at least one telephone by a user of the at least one telephone. The at least one telephone may preferably be a Dual Tone Multi-Frequency keypad, and the diagnostic information may preferably be requested through the Dual Tone Multi-Frequency keypad. The transmission of diagnostic information may preferably be an interactive exchange between the telephony interface device and a user of the at least one telephone. The interactive exchange may preferably be carried out at least in part through voice prompts or through the Dual Tone Multi-Frequency keypad (Steinbrenner, col. 4 lines 34-56 and col. 10, lines 34-51).

. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Steinbrenner into the invention of Fowler in order to allow the system administrator to troubleshoot and diagnose the internet connection problem through the use of telephony device and DTMF input. This will enable the system administrator

to conduct remote diagnostics and troubleshooting on the system when it encounters network connection problems.

13. As to claim 6 and 18, Fowler teaches the claimed invention as shown above. However, Fowler does not teach where said selection comprises a speech input, said method further comprising the step of: speech-to-text converting said input, wherein said action is initiated responsive to said converted input.

Steinbrenner teaches a system for providing diagnostic information to at least one telephone including a telephony interface device operatively coupled to at least one telephone through a telephone line. The diagnostic information may preferably be transmitted to the at least one telephone through voice prompts. The transmission of diagnostic information may preferably be an interactive exchange between the telephony interface device and a user of the at least one telephone. Steinberg further teaches wherein the interactive exchange may preferably be carried out at least in part through voice prompts or through the Dual Tone Multi-Frequency keypad. The access network interface 30 provides the hardware interface, control, and logic to translate voice and signaling information to the appropriate format for transmission to and from the access network 14 (Steinbrenner, col. 4 lines 34-56 and col. 10, lines 34-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Steinbrenner into the invention of Fowler in order to allow the system administrator to diagnose and troubleshoot the failure of the system through speech inputs for the convenient of the system administrator.

14. As to claim 8, Fowler teaches a system for handling problems with home Internet connections comprising:

a household Internet connection device communicatively linked to an Internet(col. 8, lines 20-29 and col. 17, lines 29-37, a router connected to the internet);

a connection utility communicatively linked to the household Internet connection device, wherein said connection utility monitors said household Internet connection (refer to col. 8, lines 20-29, Net bot 40 continuously monitors and detects a loss of power or internet connection); and

Fowler does not explicitly teach a telephony device communicatively linked to said connection utility via a voice connection, wherein said connection utility automatically reports problems with the Internet communication link of the home Internet connection to the telephony device.

Steinbrenner teaches a system for providing diagnostic information to at least one telephone including a telephony interface device operatively coupled to at least one telephone through a telephone line. The telephony interface device is operatively coupled to a network, wherein the telephony interface device transmits diagnostic information to the at least one telephone. The diagnostic information may preferably include diagnostic information concerning the network, the telephony interface device, and the telephone line. The diagnostic information may preferably be transmitted to the at least one telephone through voice prompts. The diagnostic information may preferably be requested through the at least one telephone by a user of the at least one telephone. The at least one telephone may preferably be a Dual Tone Multi-Frequency keypad, and the diagnostic information may preferably be requested through the Dual Tone Multi-Frequency keypad. The transmission of diagnostic information may preferably be an interactive exchange between the telephony interface device and a user of the at least one telephone. The interactive exchange may preferably be carried out at least in part through voice

prompts or through the Dual Tone Multi-Frequency keypad (Steinbrenner, col. 4 lines 34-56 and col. 10, lines 34-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Steinbrenner into the invention of Fowler in order to allow the system administrator to troubleshoot and diagnose the internet connection problem through the use of telephony device and DTMF input. This will enable the system administrator to conduct remote diagnostics and troubleshooting on the system when it encounters network connection problems.

15. As to claim 9, Fowler in view of Steinbrenner teaches the system of claim 8, wherein said connection utility is remotely located from said household connection device and communicatively linked to said household connection device via the Internet (Fowler, col. 8, lines 20-29).

16. As to claim 10, Fowler in view of Steinbrenner teaches the claimed invention as shown above with regards to claim 8; however, Fowler does not teach wherein said connection utility is a speech-enabled application.

Steinbrenner teaches a system for providing diagnostic information to at least one telephone including a telephony interface device operatively coupled to at least one telephone through a telephone line. The diagnostic information may preferably be transmitted to the at least one telephone through voice prompts. The transmission of diagnostic information may preferably be an interactive exchange between the telephony interface device and a user of the at least one telephone. Steinberg further teaches wherein the interactive exchange may preferably be carried out at least in part through voice prompts or through the Dual Tone Multi-Frequency keypad.

The access network interface 30 provides the hardware interface, control, and logic to translate voice and signaling information to the appropriate format for transmission to and from the access network 14 (Steinbrenner, col. 4 lines 34-56 and col. 10, lines 34-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Steinbrenner into the invention of Fowler in order to allow the system administrator to diagnose and troubleshoot the failure of the system through speech-enabled interactive exchanges for the convenient of the system administrator.

17. As to claim 11, Fowler in view of Steinbrenner teaches the claimed invention as shown above with regards to claim 8; however, Fowler does not teach wherein said connection utility is further configured to automatically perform at least one problem resolution action responsive to input from said telephony device.

Steinbrenner teaches a system for providing diagnostic information to at least one telephone including a telephony interface device operatively coupled to at least one telephone through a telephone line. The diagnostic information may preferably be transmitted to the at least one telephone through voice prompts. The transmission of diagnostic information may preferably be an interactive exchange between the telephony interface device and a user of the at least one telephone. Steinberg further teaches wherein the interactive exchange may preferably be carried out at least in part through voice prompts or through the Dual Tone Multi-Frequency keypad. The access network interface 30 provides the hardware interface, control, and logic to translate voice and signaling information to the appropriate format for transmission to and from the access network 14 (Steinbrenner, col. 4 lines 34-56 and col. 10, lines 34-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Steinbrenner into the invention of Fowler in order to allow the system administrator to troubleshoot and diagnose the internet connection problem through the use of telephony device and DTMF input. This will enable the system administrator to conduct remote diagnostics and troubleshooting on the system when it encounters network connection problems.

18. As to claim 12, Fowler in view of Steinbrenner teaches the claimed invention as shown above with regards to claim 8; however, Fowler does not teach the system of claim 11, further comprising: an application remotely located from said connection utility that is communicatively linked to said connection utility via a network, wherein said problem resolution action involves at least one operation executed by said application.

Steinbrenner teaches a system for providing diagnostic information to at least one telephone including a telephony interface device operatively coupled to at least one telephone through a telephone line. The diagnostic information may preferably be transmitted to the at least one telephone through voice prompts. The transmission of diagnostic information may preferably be an interactive exchange between the telephony interface device and a user of the at least one telephone. Steinberg further teaches wherein the interactive exchange may preferably be carried out at least in part through voice prompts or through the Dual Tone Multi-Frequency keypad. The access network interface 30 provides the hardware interface, control, and logic to translate voice and signaling information to the appropriate format for transmission to and from the access network 14 (Steinbrenner, col. 4 lines 34-56 and col. 10, lines 34-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Steinbrenner into the invention of Fowler in order to allow the system administrator to remotely troubleshoot and diagnose the internet connection problem through the use of telephony device. This will enable the system administrator to conduct remote diagnostics and troubleshooting on the system when it encounters network connection problems.

19. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fowler et al.**, (hereinafter referred to as Fowler) U.S. Patent No. **6,714,977** in view of **Buonanno et al.**, (hereinafter referred to as Buonanno) U.S. Patent Publication No. **2002/0065885 A1**.

20. As to claim 7 and 19, Fowler teaches the claimed invention as discussed above with regards to claim 1, , Fowler does not explicitly teach wherein said establishing step further comprising the step of: if said communication connection fails, attempting to establish communication connections with alternative contact points until a communication connection can be established or until no alternative contact points remain.

However, Buonanno teaches an integrated multimedia B2B order processing error detection and resolution engine is provided. This error detection and resolution engine continuously monitors e-commerce internet gateways through which the business-to-business transaction passes for any exceptions which may periodically occur. When an exception is detected, an intelligent contact manager automatically determines and then locates the appropriate representative(s) authorized to resolve this exception. Buonanno further teaches hierarchical lists of individuals who have been designated as being qualified to make decisions are stored in a list format. If the first listed individual cannot be immediately reached, then the

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exception handling system tries to reach the next person on that list. The exception handling system sequentially tries each of the listed personnel until someone is reached who can address the exception (refer to Buonanno, paragraph 0049).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Buonanno into the invention of Fowler in order to get in contact with someone able to correct the identified problem. The fact that alternate personnel are listed on the contact list increases the chances of finding an available person that will be informed of the failure and corrective actions can be made immediately without incurring further delays.

21. Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/
Examiner, Art Unit 2155
May 13, 2008